



# PLANNING AND ZONING COMMISSION MEETING AGENDA

November 01, 2023 at 7:00 PM

Town Hall - 1941 E. Jeter Road, Bartonville, TX 76226

## A. CALL MEETING TO ORDER

## B. PLEDGE OF ALLEGIANCE

## C. PUBLIC PARTICIPATION

*If you wish to address the Commission, please fill out a "Public Meeting Appearance Card" and present it to the Town Administrator, preferably before the meeting begins. Pursuant to Section 551.007 of the Texas Government Code, citizens wishing to address the Commission for items listed as public hearings will be recognized when the public hearing is opened. For citizens wishing to speak on a non-public hearing item, they may either address the Commission during the Public Participation portion of the meeting or when the item is considered by the Planning & Zoning Commission.*

## D. APPOINTMENT OF OFFICERS

1. Appointment of Chair
2. Appointment of Vice-Chair

## E. APPROVAL OF MINUTES

1. Discuss and consider the approval of the September 6, 2023 Regular Planning & Zoning Commission Meeting Minutes.

## F. PUBLIC HEARINGS AND ACTION ITEMS

1. Conduct a Public Hearing and consider an Ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit "A," Article 14.02, Ordinance 361-05, Zoning Regulations for the Town of Bartonville, to change the zoning designation on four tracts of land, totaling 101.467 acres, situated in the Daniel Cook Survey, Abstract Number 230, and A.M. Feltus Survey, Abstract Number 1594, in the Town of Bartonville, Denton County, Texas, from Agricultural (AG) to Residential Estates 5 (RE-5). Town File #ZC-2023-005.
2. Conduct a Public Hearing and consider an Ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit "A", the Zoning Ordinance, by deleting Chapter 20, "Fencing, Walls and Screening Requirements," and by amending Chapter 3, "Building Regulations" by adding Article 3.10, "Fences and Walls"; amending other Zoning Ordinance and Town Code Provisions accordingly.

## G. FUTURE ITEMS

## H. ADJOURNMENT

*The Planning and Zoning Commission reserves the right to adjourn into a closed meeting or executive session as authorized by Texas Government Code, Sections 551.001, et seq. (the Texas Open Meetings Act) on any item on its open meeting agenda in accordance with the Texas Open Meetings Act, including, without limitation Sections 551.071-551.088 of the Texas Open Meetings Act. Any final action, decision, or vote on a matter deliberated in a closed meeting will only be taken in an open meeting that is held in compliance with Texas Government Code, Chapter 551.*

**CERTIFICATION**

I hereby certify that this Notice of Meeting was posted on the Town Website, and on the bulletin board, at Town Hall of the Town of Bartonville, Texas, a place convenient and readily accessible to the public at all times. Said Notice was posted on the following date and time; and remained posted continuously prior to the scheduled time of said meeting and shall remain posted until meeting is adjourned.

/s/ Shannon Montgomery, Town Secretary

Posted: Friday, October 27, 2023 prior to 5pm.

*Agenda Removed from Town of Bartonville Bulletin Board on:* \_\_\_\_\_

*By:* \_\_\_\_\_, *Title:* \_\_\_\_\_



# PLANNING AND ZONING COMMUNICATION

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**DATE** November 1, 2023

**FROM:** Shannon Montgomery, Town Secretary

**AGENDA ITEM:** Discuss and consider the approval of the September 6, 2023, Regular Planning & Zoning Commission Meeting Minutes.

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**Summary:** Minutes from the September 6, 2023, Regular Planning & Zoning Commission Meeting.

**Staff Recommendation:** Approve.

**Exhibits:**

- September 6, 2023 Regular Planning & Zoning Commission Meeting Minutes.

**THE PLANNING AND ZONING COMMISSION OF THE TOWN OF BARTONVILLE MET IN REGULAR SESSION ON THE 6TH DAY OF SEPTEMBER 2023 AT THE TOWN OF BARTONVILLE TOWN HALL, LOCATED AT 1941 E JETER ROAD, BARTONVILLE, TEXAS WITH THE FOLLOWING COMMISSIONERS PRESENT, CONSTITUTING A QUORUM:**

- Gloria McDonald, Chair
- Ralph Arment, Vice Chair
- Brenda Hoyt-Stenovich, Commissioner
- Don Abernathy, Commissioner
- Larry Hayes, Alternate 1
- Pat Adams, Alternate 2

*Town Staff Present:*

- Thad Chambers, Town Administrator
- Shannon Montgomery, Town Secretary
- Ed Voss, Town Attorney

**A. CALL MEETING TO ORDER**

Chair McDonald called the meeting to order at 7:00pm.

**B. PLEDGE OF ALLEGIANCE**

Commissioner Hayes led the Pledge of Allegiance.

**C. PUBLIC PARTICIPATION**

*If you wish to address the Commission, please fill out a "Public Meeting Appearance Card" and present it to the Town Administrator, preferably before the meeting begins. Pursuant to Section 551.007 of the Texas Government Code, citizens wishing to address the Commission for items listed as public hearings will be recognized when the public hearing is opened. For citizens wishing to speak on a non-public hearing item, they may either address the Commission during the Public Participation portion of the meeting or when the item is considered by the Planning & Zoning Commission.*

There was no public participation.

**D. APPROVAL OF MINUTES**

**1. Discuss and consider the approval of the July 5, 2023, Regular Planning & Zoning Commission Meeting Minutes.**

Motion made by Commissioner Hoyt-Stenovich, seconded by Commissioner Abernathy to approve the July 5, 2023, Regular Planning & Zoning Commission Meeting Minutes as presented.

**VOTE ON THE MOTION**

AYES: McDonald, Arment, Hoyt-Stenovich, Abernathy, and Hayes

NAYS: None

VOTE: 5/0



**2. Discuss and consider the approval of the August 2, 2023, Regular Planning & Zoning Commission Meeting Minutes.**

Motion made by Commissioner Hoyt-Stenovich, seconded by Commissioner Abernathy to approve the August 2, 2023, Regular Planning & Zoning Commission Meeting Minutes as presented.

**VOTE ON THE MOTION**

AYES: McDonald, Arment, Hoyt-Stenovich, Abernathy, and Hayes

NAYS: None

VOTE: 5/0

**E. ACTION ITEMS**

**3. Discuss and consider approval of proposed amendments to the Town of Bartonville Fence Ordinance.**

Town Attorney Voss updated the Commission on proposed amendments to the Fence Ordinance due to legislative changes in Senate Bill 929. Voss recommended that the fencing requirements be moved out of the Zoning Ordinance and into Chapter 3 of the Bartonville Code of Ordinances. Once the amendments are ready, they will be placed on a Planning and Zoning Commission agenda and their recommendations will be brought before Council. Town Attorney Voss addressed questions from the Commissioners.

Discussion only, no action taken.

**4. Discussion of proposed amendments to the Town of Bartonville Shot Clock Ordinance.**

Town Attorney Voss explained the proposed amendments to the Shot Clock Ordinance due to legislative changes that will make addressing extensions easier and addressed questions from the Commissioners.

Discussion only, no action taken.

**F./G. CONVENE INTO CLOSED SESSION/RECONVENE INTO OPEN SESSION**

Pursuant to the Open Meetings Act, Chapter 551, the Planning & Zoning Commission convened into a Closed Executive Session at 7:30pm and reconvened into open session at 7:47pm in accordance with the Texas Government Code regarding:

**5. Section 551.071 Consultation with Town Attorney to seek legal advice of its attorney regarding legal issues related to the regulation of Short-Term Rentals and any and all legal issues related thereto.**

No action taken.

**H. FUTURE ITEMS**

The Commission requested Town Attorney Voss' recommendations to be placed on a future agenda after required notifications were made.

**I. ADJOURNMENT**

Chair McDonald adjourned the meeting at 7:49pm.

**APPROVED this the 1st day of November 2023.**

**APPROVED:**

\_\_\_\_\_  
\_\_\_\_\_, Chair

**ATTEST:**

\_\_\_\_\_  
Shannon Montgomery, TRMC, Town Secretary

DRAFT



# PLANNING AND ZONING COMMUNICATION

**DATE** November 1, 2023

**FROM:** Thad Chambers, Town Administrator

**AGENDA ITEM:** Conduct a Public Hearing and consider an Ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit "A," Article 14.02, Ordinance 361-05, Zoning Regulations for the Town of Bartonville, to change the zoning designation on four tracts of land, totaling 101.467 acres, situated in the Daniel Cook Survey, Abstract Number 230, and A.M. Feltus Survey, Abstract Number 1594, in the Town of Bartonville, Denton County, Texas, from Agricultural (AG) to Residential Estates 5 (RE-5). Town File #ZC-2023-005.

**Applicant:** Jacob Sumpter, AICP, Mycoskie & Associates, Inc., on behalf of Knight Development Group, LLC (property owner)

**Land Use and Zoning:** Current land use category is Residential Estates – 5 Acre Lots (RE-5). Current zoning is Agricultural (AG).

**Summary:** The applicant is the owner of four tracts of land, totaling 178.763 acres, located on the north side of E Jeter Road, approximately 2,185 feet east of the intersection of E Jeter Road and Country Court. The legal description of the property is A1594A A.M. Feltus, TR 3, 10.0 acres, Old DCAD TR #1; A1594A A.M. Feltus, TR 2, 30.0 acres, Old DCAD TR #1A, A1594A A.M. Feltus, TR 1, 78.763 acres, Old DCAD TR #2, and A0230A Cook, TR 8, 60.0 acres, Old DCAD TR #4. The corresponding Denton CAD parcel numbers are 64602, 65099, 65101, and 65110. The applicant has applied for a change in the zoning designation on 101.467 acres of their ownership (this sub-area to be known henceforth as the 'subject property') from Agricultural (AG) to Residential Estates 5 (RE-5) (see Exhibit A).

The subject property is currently vacant, save a gas wellhead and accessory structures on parcel 64602. The applicant is requesting the zoning change in order to facilitate a residential subdivision of the subject property into minimum five-acre parcels.

### *Zoning Change*

Bartonville Zoning Ordinance Appendix A, Section A.1.A.5 lists the criteria of approval for a zoning change:

1. Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan, including the land use classification of the property on the Future Land Use Map and any other incorporated plan maps;
2. Whether the proposed zoning map amendment is consistent with an annexation or development agreement in effect;

3. Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified;
4. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area; and
5. Any other factors which will substantially affect the public health, safety, morals, or general welfare.

The proposed zoning change would amend the zoning designation of the subject property from Agricultural (AG) to Residential Estates 5 (RE-5). In the Bartonville Comprehensive Plan, the RE-5 land use category is described as areas intended for residential and related uses, with some limited agricultural uses pertaining to the keeping of animals and livestock for personal use and enjoyment. A rural atmosphere should be maintained within these areas and street cross sections that provide for a "country" feel is encouraged for local streets. Correspondingly, the RE-5 zoning district is intended as an area for very low density residential use, with a minimum lot size of five acres. The principal purposes of this zoning district are to conserve and protect agricultural uses, guide development in an orderly fashion in rural areas, and prevent conflicting urban and rural uses. This district is appropriate for selected locations where rural characteristics are desired or where terrain or public service capacities necessitate very low densities. The RE-5 zoning district is one of those listed as appropriate for the RE-5 land use category (Bartonville Zoning Ordinance [BZO] Section 4.1.B, Chart 4.1).

The proposed zoning change is not associated with any annexation or development agreement. The area south of the subject property is zoned Agriculture (AG), which is characterized by large lot residential and agricultural uses, though the lot sizes immediately adjacent to the subject property on the south range from one to 13 acres. To the north of the subject property, the Hat Creek Estates development has created residential home sites that range from approximately two to five acres in size. The proposed zoning change for the subject property will maintain the large lot residential development pattern in place on the surrounding properties.

There are no associated school, street, water, sewer, or other utility plans that will affect or be affected by the proposed zoning change. The Cross Timbers Water Supply Corporation's water system map shows water service within E Jeter Road on the subject property's south side. There are also no factors which will substantially affect the public health, safety, morals, or general welfare

**Staff Recommendation:** Approve.

**Public Comment:** None.

**Financial Information:** The subject property is currently being used for agricultural purposes. The future subdivision of the land and construction of single-family homes will increase the Town of Bartonville's ad valorem property tax base. It is unknown at this time whether the road constructed to access these residential lots will be public or private; if the former then this would be a cost liability for the Town in the form of maintenance and future replacement.

**Exhibits:**

1. Zoning Change Application Packet
2. Letter mailed to property owners within 200' with location map and mailing list
3. Published legal notice

# Exhibit 1



# Town of Bartonville

## Application for Zoning Map Amendment

All applications must be submitted in accordance with the Submission Schedule attached hereto.

Applicant (Owner or Agent, Specify): Jacob Sumpter, AICP - Mycoskie & Associates, Inc.

Mailing Address: 519 E. Border Street Arlington, TX 76010

Phone: 817-469-1671

Fax: 817-274-8757

Owner's Name(s) if different: Knight Development Group LLC - Rob Knight

Owner's Address: 3451 Setendipity Hill Trail

Phone: 469-774-8172

Fax: \_\_\_\_\_

Engineer/Surveyor if applicable: Mycoskie & Associates, Inc.

Mailing Address: 519 E. Border Street Arlington, TX 76010

Phone: 817-469-1671

Fax: 817-274-8757

General Location of Property: 799 East Jeter Road

Legal Description of Property: See attached

(Attach Complete Metes and Bounds Description)

Nature and reason for Zoning Change: Rezone to be in compliance with future land use plan

Does this request conform with the adopted Land Use Plan?  Yes  No

If the change requested does not conform with the adopted Land Use Plan, you must submit a Land Use Plan Amendment Application.

Current Zoning: AG

I hereby request that the Zoning Designation be changed to: RE-5

(If a PD is proposed, submit PD Application)

I hereby certify that the information concerning this proposed zoning change is true and correct and that I am the owner of record or the authorized<sup>1</sup> for the owner of the above described property.

[Signature]  
Signature of Applicant/Owner

September 22, 2023  
Date

**STAFF USE ONLY:**

Date Submitted: \_\_\_\_\_ Fee Paid: \_\_\_\_\_

Accepted By: \_\_\_\_\_ Check No. : \_\_\_\_\_

P& Z Public Hearing: \_\_\_\_\_ Metes & Bounds Attached:  Yes  No

Council Public Hearing: \_\_\_\_\_ Notarized Statement:  Yes  No  N/A

<sup>1</sup> A NOTARIZED statement that authorizes the agent to represent the owner(s) in this matter must be attached to this application.



# NOTARY FORM

Town of Bartonville

THE FOLLOWING IS TO BE COMPLETED BY EACH OWNER THAT IS NOT SIGNING THIS APPLICATION.

Dated: 9/20/2023

I, Knight Development Group LLC - Rob Knight, owner of the Property located at 799 E. Jeter Road do hereby certify that I have given my permission to Jacob Sumpter, AICP - Mycoskie & Associates, Inc., to submit this zoning amendment application.

Rob Knight  
Print Name

[Signature]  
Signature of Owner

3451 Setendipity Hill Trail  
Address

469-774-8172  
Phone No.

State of Texas §  
County of Tarrant §

Before me, Courtney White, a Notary Public in and for said County and State, on this day personally appeared Rob Knight known to me to be the person whose name is subscribed to the foregoing certificate, and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

(Seal)



Courtney White  
Notary

**ZONING LEGAL DESCRIPTION**  
**101.467 ACRES/4,419,898 SQ. FT.**

**BEING** a 101.467 acre tract of land situated in the Daniel Cook Survey, Abstract No. 230 and the A. M. Feltus Survey, Abstract No. 1594, Denton County, Texas and being a part of a called 183.23 acre tract of land as described indeed to Ponca City Inn, Inc, as recorded in County Clerk's Instrument No. 2021-115695, Official Records Denton County, Texas, (ORDCT) said tract being more particularly described by metes and bounds as follows;

**BEGINNING** at a 1/2" iron rod (leaning) in concrete found for the northeast corner of said 183.23 acre tract and being the southeast corner of Hat Creek Estates (Lot 1) as recorded in Instrument No. 2017-260 ORDCT and being in the west line of a called 99.8173 acre tract as described in deed to Education Leads to Success Foundation, recorded in Instrument No. 2020-151501 ORDCT;

**THENCE** South 00°30'01" East, with the common line of said 183.23 acre tract and said 99.8173 acre tract, a distance of 926.45 feet to a point for corner;

**THENCE** over and across said 183.23 acre tract, the following courses and distances as follows:

South 89°42'58" West, a distance of 1,430.64 feet to the beginning of a curve to the left, having a radius of 570.00 feet and a chord bearing and distance of South 67°05'22" West - 438.59 feet;

Southwesterly along said curve to the left, through a central angle of 45°15'12" an arc distance of 450.20 feet to a point for corner and the end of said curve;

South 44°27'46" West, a distance of 613.16 feet to a point for corner;

South 00°29'28" East, a distance of 1,045.07 feet to a point for corner in south line of said 183.23 acre tract and the north right-of-way line of Jeter Road East;

**THENCE** South 89°30'32" West, with the south line of said 183.23 acre tract and the north line of said Jeter Road East, a distance of 951.35 feet to a 1/2" capped iron rod stamped "KAZ" found the beginning of a curve to the right having a radius of 100.69 feet and a chord bearing and distance of North 45°43'32" West - 141.81 feet;

**THENCE** northwesterly with said curve to the right through a central angle of 89°31'51" an arc distance of 157.34 feet to a 1/2" capped iron rod stamped "KAZ" found for the end of said curve;



**THENCE** North 00°51'38" West, with the west line of said 183.23 acre tract and the east right-of-way line of said Jeter Road East, a distance of 314.27 feet to a 1/2" iron rod found for corner;

**THENCE** North 24°14'34" West, with the west line of said 183.23 acre tract and the east right-of-way line of said Jeter Road East, a distance of 69.09 feet to a 5/8" iron rod found for corner;

**THENCE** North 00°56'31" West, with the west line of said 183.23 acre tract, passing at a distance of 66.94 feet the southeast corner of a called 26.010 acre tract as described in a deed to Locke Living Trust, recorded in Instrument No. 2000-29231 ORDCT, in all a total distance of 1,096.87 feet to a 5/8" iron rod found for the most westerly northwest corner of said 183.23 acre tract and in the south line of Deer Hollow (Lot 4, Block B) as recorded in Instrument No. 2023-18 ORDCT;

**THENCE** North 89°35'32" East, with the most southerly north line of said 183.23 acre tract and the south line of said Deer Hollow, a distance of 661.66 feet to a 5/8" iron rod found for an interior ell corner of said 183.23 acre tract;


**THENCE** North 00°10'35" East, with the common line of said 183.23 acre tract and said Deer Hollow, a distance of 1,013.37 feet to a point for the most northerly northwest corner of said 183.23 acre tract and being the southwest corner of said Hat Creek Estates;

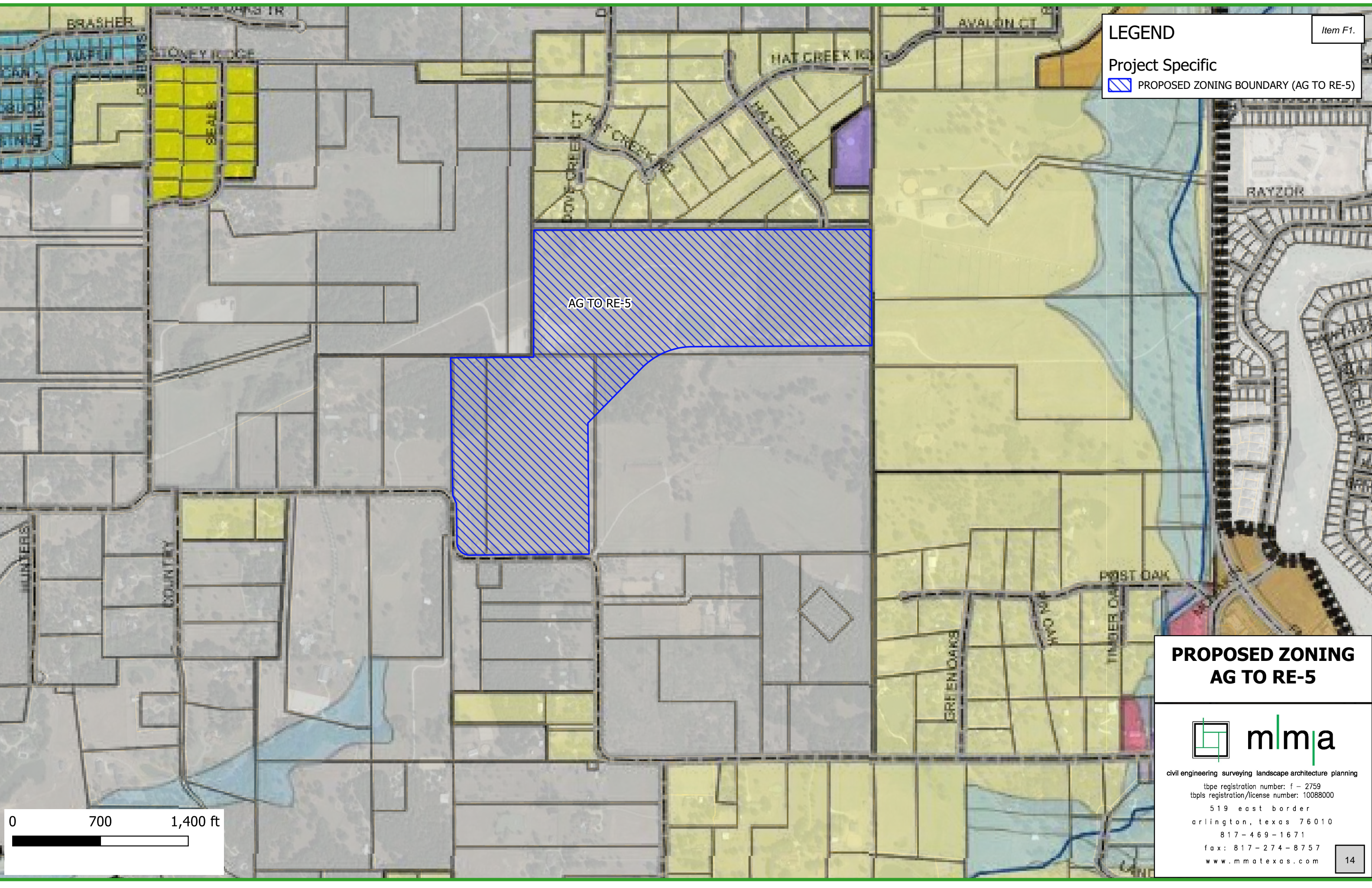
**THENCE** North 89°54'52" East, with the common line of said 183.23 acre tract and said Hat Creek Estates, a distance of 2,686.26 feet to the **POINT OF BEGINNING** and containing 4,419,898 Square Feet or 101.467 Acres of Land, more or less.



**LEGEND**

Project Specific

 PROPOSED ZONING BOUNDARY (AG TO RE-5)



AG TO RE-5

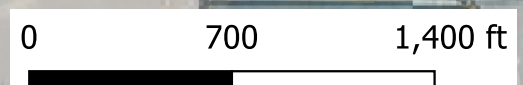
**PROPOSED ZONING  
AG TO RE-5**



civil engineering surveying landscape architecture planning

tbpe registration number: f - 2759  
 tbpls registration/license number: 10088000

519 east border  
 arlington, texas 76010  
 817-469-1671  
 fax: 817-274-8757  
 www.mmatexas.com





## Exhibit 2



October 16, 2023

[NAME]  
[ADDRESS]  
[CITY], [STATE] [ZIP]

RE: Proposed Zoning Change

Dear [NAME]:

The Planning and Zoning Commission for the Town of Bartonville, Texas will conduct a public hearing at 7:00pm on November 1, 2023, at Bartonville Town Hall, 1941 E Jeter Road, Bartonville, Texas, to hear public comment and consider recommendations to the Town Council regarding an Ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit "A," Article 14.02, Ordinance 361-05, Zoning Regulations for the Town of Bartonville, to change the zoning designation from Agriculture (A) to Residential Estates 5 (RE-5) on a 101.467-acre tract or parcel of land identified as A0230A COOK, TR 8, 60.0 ACRES, OLD DCAD TR #4; A1594A A.M. FELTUS, TR 3, 10.0 ACRES, OLD DCAD TR #1; A1594A A.M. FELTUS, TR 2, 30.0 ACRES, OLD DCAD TR #1A; and A1594A A.M. FELTUS, TR 1, 78.763 ACRES, OLD DCAD TR #2, in the Town of Bartonville, Denton County, Texas.

The subject property is located on the north side of E Jeter Road, approximately 2,185 feet east of the intersection of E Jeter Road and Country Court in Bartonville, Texas. The property address is 799 E Jeter Road.

The applicant is Mycoskie & Associates, Inc, representing Knight Development Group, LLC.

The Town of Bartonville file number for this application is ZC-2023-003.

All interested parties are encouraged to attend.

Sincerely,

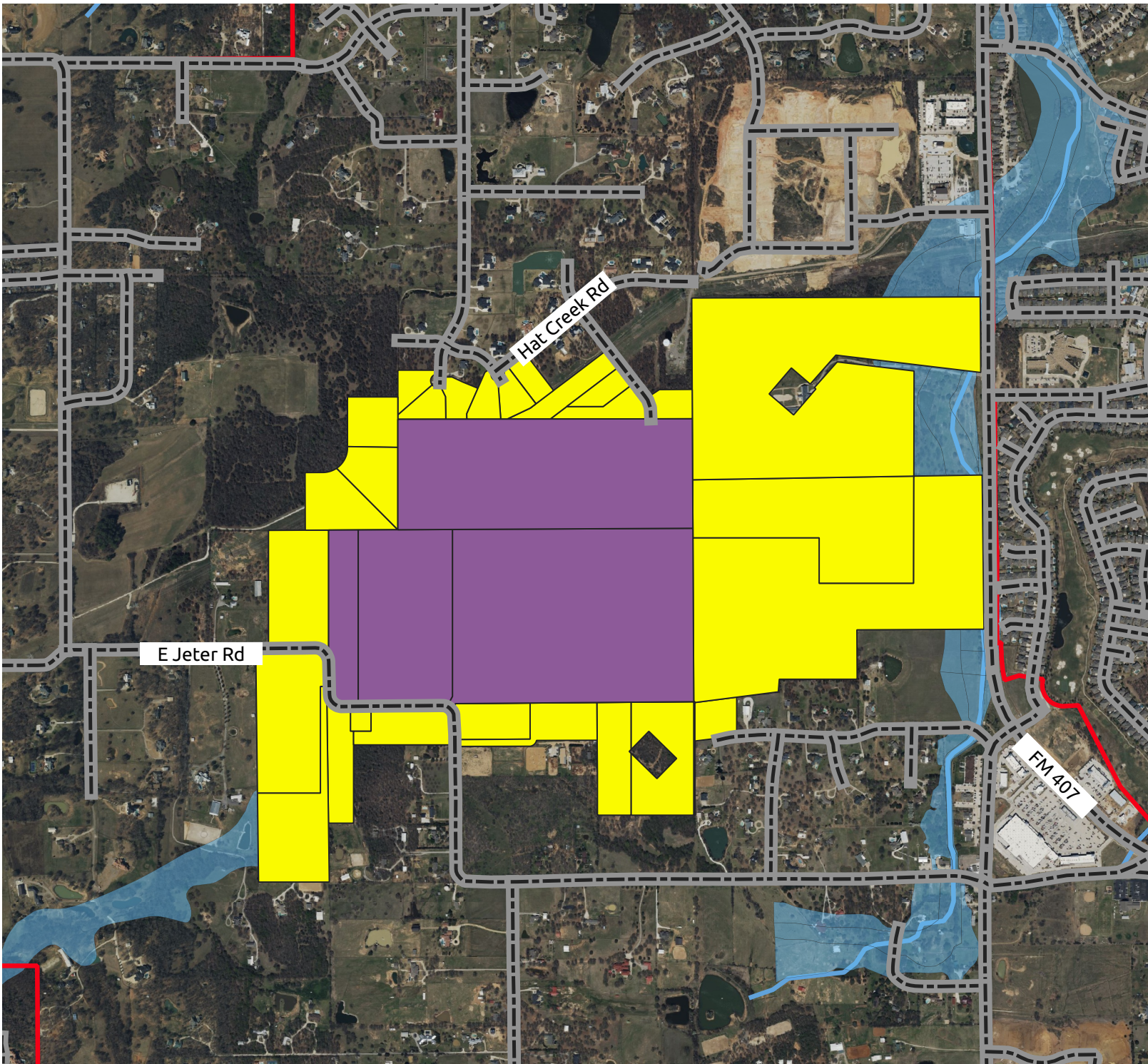
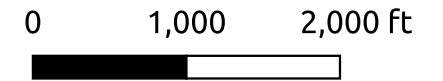
  
Shannon Montgomery, TRMC  
Town Secretary  
Town of Bartonville

Enclosure

# Knights Landing West Zoning Change

Town File #  
ZC-2023-003

-  Knights Landing West Zoning Change Property
-  Noticed Parcels
-  Roads
-  Floodplain
-  Creeks





## Mailing List

Item F1.

NAME	STREET_ADDRESS	CITY	STATE	ZIP
3L PROPERTY HOLDINGS, LLC	5550 PRESTON RD STE B	DALLAS	TX	75205-2661
BATES, MONICA LEIGH	1008 HAT CREEK RD	ARGYLE	TX	76226-1705
BROWN, CHRISTOPHER A & CANDICE M	1012 HAT CREEK RD	BARTONVILLE	TX	76226-1705
BRYAN, MARTY W & ROXANNE TR BRYAN FAMILY REVOCABLE TRUST	913 HAT CREEK CT	BARTONVILLE	TX	76226-1704
CARRINGTON, H GARY & JACLYN TRTS OF CARRINGTON REVOCABLE TRUST	1361 E JETER RD	BARTONVILLE	TX	76226-9407
CLINTSMAN, BRYAN REVOCABLE TRUST & CLINTSMAN, MARGARET ANN REVOCABLE TRUST	912 DOVE CREEK CT	BARTONVILLE	TX	76226-1697
EDUCATION LEADS TO SUCCESS FOUNDATION	2104 CAVALIER WAY	FLOWER MOUND	TX	75022-5588
GOODSON, STACIE S	869 E JETER RD	BARTONVILLE	TX	76226-9412
GRISWOLD, RICHARD M & JAYE W, TRS GRISWOLD FAMILY LIV TRUST	3400 NORTH DR	FLOWER MOUND	TX	75022-6039
HAT CREEK HOMEOWNERS ASSOCIATION INC	PO BOX 51555	DENTON	TX	76206
HAYS, MICHAEL S & STEPHANIE E TRS WHITE SANDS LIVING TRUST	1004 HAT CREEK RD	ARGYLE	TX	76226-1705
HOLT, JEREMY	526 BENSON LN	ROANOKE	TX	76262-6397
KNIGHT DEVELOPMENT GROUP LLC	3451 SETENDIPITY HILLS TRL	CORINTH	TX	76210
LANE, JASON I	916 DOVE CREEK CT	ARGYLE	TX	76226-1697
LOCKE, LENEAL & KATHERINE TRTS OF LOCKE LIVING TRUST	501 E JETER RD	BARTONVILLE	TX	76226-9415
LSD ACQUISITIONS LLC	1316 CAPILANO WAY	MCKINNEY	TX	75069-1512
MCMILLAN, MARK F	PO BOX 490	ARGYLE	TX	76226-0490
MIKE MOLLO CUSTOM HOMES LLC	916 DOVE CREEK CT	ARGYLE	TX	76226-1697
OLDHAM, KEVIN R & MELISSA S	744 E JETER RD	BARTONVILLE	TX	76226-9588
PARNELL, WES	8440 STEEPLECHASE CIR	ARGYLE	TX	76226-6377
PITTMAN, JAMES M & LAURA L	1237 POST OAK LN	BARTONVILLE	TX	76226-9465
PONCA CITY INN INC, C/O RACHWAL ENT	1005 ROADRUNNER RD	ARGYLE	TX	76226-6108
STEALTH DEVELOPMENT, LTD	1361 E JETER RD	BARTONVILLE	TX	76226-9407
WALSH, JAMES & KATY	857 E JETER RD	BARTONVILLE	TX	76226-9412
WILSON, JIMMY M	1008 HAT CREEK RD	BARTONVILLE	TX	76226-1705
SAMS, CLAYTON	590 E JETER ROAD	BARTONVILLE	TX	76226

# Exhibit 3

**Denton Record-Chronicle**  
**3555 Duchess Drive**  
**(940) 387-7755**

I, Stefan Edward Pla, of lawful age, being duly sworn upon oath depose and say that I am an agent of Column Software, PBC, duly appointed and authorized agent of the Publisher of Denton Record-Chronicle, a publication that is a "legal newspaper" as that phrase is defined for the city of Denton, for the County of Denton, in the state of Texas, that this affidavit is Page 1 of 1 with the full text of the sworn-to notice set forth on the pages that follow, and that the attachment hereto contains the correct copy of what was published in said legal newspaper in consecutive issues on the following dates:

**PUBLICATION DATES:**  
Oct. 14, 2023

**Notice ID:** vLGGaAdrGgOM0dPSOP2I  
**Notice Name:** PZ PH Notice for 10142023 publication

**PUBLICATION FEE:** \$67.04

I declare under penalty of perjury that the foregoing is true and correct.

*Stefan Pla*

Agent

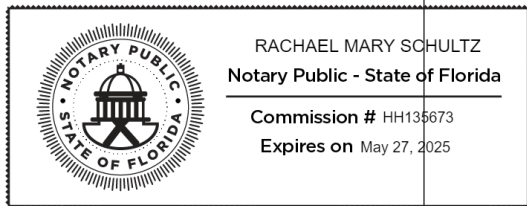
**VERIFICATION**

State of Florida  
County of Charlotte

Signed or attested before me on this: 10/16/2023

*Rachael Mary Schultz*

Notary Public  
Notarized online using audio-video communication



**TOWN OF BARTONVILLE  
PUBLIC NOTICE**

The Planning and Zoning Commission for the Town of Bartonville, Texas will conduct a Public Hearing at 7:00pm on November 1, 2023, at Bartonville Town Hall, 1941 E Jeter Road, Bartonville, Texas, to hear public comment and consider recommendations to the Town Council regarding:

- an Ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit "A," Article 14.02, Ordinance 361-05, Zoning Regulations for the Town of Bartonville, to change the zoning designation from Agriculture (A) to Residential Estates 5 (RE-5) on a 101.467-acre tract or parcel of land identified as A0230A COOK, TR 8, 60.0 ACRES, OLD DCAD TR #4; A1594A A.M. FELTUS, TR 3, 10.0 ACRES, OLD DCAD TR #1; A1594A A.M. FELTUS, TR 2, 30.0 ACRES, OLD DCAD TR #1A; and A1594A A.M. FELTUS, TR 1, 78.763 ACRES, OLD DCAD TR #2, in the Town of Bartonville, Denton County, Texas. The subject property is located on the north side of E Jeter Road, approximately 2,185 feet east of the intersection of E Jeter Road and Country Court in Bartonville, Texas. The property address is 799 E Jeter Road. The applicant is Mycoskie & Associates, Inc, representing Knight Development Group, LLC. The Town of Bartonville file number for this application is ZC-2023-003; and
- an Ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit "A," the Zoning Ordinance, by deleting Chapter 20, "Fencing, Walls and Screening Requirements," and by amending Chapter 3, "Building Regulations" by adding Article 3.10, "Fences and Walls"; amending other Zoning Ordinance and Town Code Provisions accordingly. All interested parties are encouraged to attend.

dic 10/14/2023





# PLANNING AND ZONING COMMUNICATION

**DATE:** November 1, 2023

**FROM:** Thad Chambers, Town Administrator

**AGENDA ITEM:** Conduct a Public Hearing and consider an Ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit “A”, the Zoning Ordinance, by deleting Chapter 20, “Fencing, Walls and Screening Requirements,” and by amending Chapter 3, “Building Regulations” by adding Article 3.10, “Fences and Walls”; amending other Zoning Ordinance and Town Code Provisions accordingly.

**Summary:** The Town of Bartonville has prepared a draft amendment to the Bartonville Code of Ordinances to revise the regulations affecting fences and walls for residential and commercial properties within the town. Following consultation with the Town of Bartonville’s Development Review Committee (DRC), the following changes are being proposed in order to 1) maintain the open, rural character and high-quality aesthetic desired by Bartonville’s residents, 2) protect residential uses from commercial impacts, and 3) remove fencing regulations from the Zoning Ordinance and instead locate them within the building regulations section of the Code of Ordinances.

A summary of the general amendments to the Code of Ordinances is as follows:

1. Deletes Chapter 20 of the Zoning Ordinance (“Fencing, Walls, and Screening Requirements”), and references new Chapter 3, Article 3.10 (“Fences and Walls”), where fence regulations can now be found in the Town Code;
2. Enacts a new Article 3.10 in Chapter 3 of the Town Code of Ordinances, which includes:
  - a) Relocation of Chapter 20’s provisions and modifies them based on DRC input;
  - b) Adds definitions, permit requirements, allowed/prohibited fence materials provisions, maintenance requirements, moves the decorative fencing provisions from Zoning Ordinance Chapter 18 to Article 3.10, adds provisions to address non-conforming fences, adds variance procedures, and adds offense/penalties language;
  - c) Removes reference to any landscaping or “living” screening from fencing regulations or definitions so that it is not necessary to obtain a fence permit to have such landscaping act as a screen/fence-like barrier;
3. Modifies various provisions throughout the Zoning Ordinance to reference Chapter 3, Article 3.10 rather than old Zoning Ordinance Chapter 20, and other clean-up provisions; and
4. Modifies a Town Code provision and the fee provision in Appendix A, for consistency.

**Staff Recommendation:** Approve.

**Public Comment:** None.

**Financial Information:** Staff does not anticipate any financial impact from these proposed regulations.

**Exhibits:**

1. Draft Ordinance No XXX-23, Amending Fencing Regulations.
2. Published legal notice.

**TOWN OF BARTONVILLE  
ORDINANCE NO. \_\_\_\_\_-23**

**AN ORDINANCE OF THE TOWN OF BARTONVILLE, TEXAS, AMENDING THE TOWN OF BARTONVILLE CODE OF ORDINANCES, CHAPTER 14, EXHIBIT "A," THE ZONING ORDINANCE, BY DELETING CHAPTER 20, "FENCING, WALLS AND SCREENING REQUIREMENTS," AND BY AMENDING CODE OF ORDINANCES CHAPTER 3, "BUILDING REGULATIONS" BY ADDING ARTICLE 3.10, "FENCES AND WALLS"; AMENDING OTHER ZONING ORDINANCE AND TOWN CODE PROVISIONS ACCORDINGLY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING NO VESTED RIGHTS; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Bartonville, Texas ("Town"), is a Type A General Law Municipality located in Denton County, Texas, created in accordance with provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, the Town is a General Law Municipality empowered under the Texas Local Government Code, Section 51.001, to adopt an ordinance or rule that is for the good government of the Town; and

**WHEREAS**, the Planning and Zoning Commission of the Town of Bartonville and the Town Council of the Town of Bartonville, in compliance with state law, have given the requisite notice by publication and otherwise, and after holding due public hearings and affording full and fair hearings to all property owners generally, the Town Council of the Town of Bartonville is of the opinion that said zoning ordinance should be amended as provided herein, and that the Town's code of ordinances should be amended as provided herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS, THAT:**

**SECTION 1.  
INCORPORATION OF PREMISES**

The above and foregoing premises are true and correct legislative determinations and are incorporated herein and made a part hereof for all purposes.

**SECTION 2.  
AMENDMENT TO ZONING ORDINANCE CHAPTER 20**

From and after the effective date of this Ordinance, the Code of Ordinances of the Town of Bartonville, Texas, shall be and the same is hereby amended by amending Chapter 14, Exhibit

“A,” the Zoning Ordinance, to delete Chapter 20, “Fencing, Walls, and Screening Requirements,” so that the provision shall read as follows:

**“CHAPTER 20. Intentionally Deleted. See Town Code Article 3.10.”**

**SECTION 3.  
AMENDMENT TO TOWN CODE CHAPTER 3**

From and after the effective date of this Ordinance, the Code of Ordinances of the Town of Bartonville, Texas, shall be and the same is hereby amended by amending Chapter 3, “Building Regulations,” by adding Article 3.10, “Fences and Walls,” which shall read as follows:

**“Article 3.10  
FENCES AND WALLS**

**§ 3.10.001. Purpose.**

The purpose of this article is to encourage the most appropriate fencing to conserve and protect the open community goals of the town. Regulations are prescribed herein for the location and type of fencing and walls, and other details, to further that purpose for the health, safety and welfare of the citizens of the town.

**§ 3.10.002. Definitions.**

The following words and terms, when used in this article, shall have the following meanings, unless the context clearly indicates otherwise.

*Fence.* An artificially constructed barrier enclosing, separating, or screening areas of land, serving as a boundary, a means of protection, a buffer, a decorative element, a means of visually modifying the view, and/or for confinement. A fence is any part of a fence including the base, footings, supporting columns, posts, braces, structural members, or any other of its appendages or parts. A fence does not include landscaping or hedges or other plants to meet town code landscaping requirements, or to provide living decorative elements, or to provide living screening elements. Reference to a “fence” shall include a wall, and reference to a “wall” shall include a fence. A fence or wall under this article does not include a retaining wall as provided in section 5.5 of the town’s development ordinance.

*Opacity.* The degree of openness which light or views are blocked measured perpendicular to the fence for each fence section between supports.

*Public right-of-way.* The area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement in which the town has an interest.

*Public street.* Any dedicated public right-of-way that affords the principle means of access to abutting property.

*Repair.* A repair to a fence or wall shall be defined as maintenance to a fence or wall where replacement of materials does not exceed fifty percent (50%) of the total length of the fence and does not change the scope, location, or dimensions of the fence. Repairs shall be made using the same material, or material with comparable composition, color, size, shape and quality of the original fence to which the repair is being made.

### **§ 3.10.003. Fences in general.**

- (a) Permit required. It is unlawful for any person to construct or replace, or cause to be constructed or replaced, a fence or any part of a fence in the town without first obtaining a fence permit from the town. No permit is required for repairs as defined by this article.
- i. Permit fees. The fee for a permit shall be in the amount established in Appendix A to this code. When a person begins any work for which a permit is required by this article without first obtaining a permit, the permit application fee shall double. Payment of the fee shall not exempt any person from compliance with all other provisions of this article nor from any penalty prescribed by law.
  - ii. Application for permit. Any person making application for a fence permit shall complete a permit application on a form prescribed by the town showing the following information:
    - 1. Applicant's name, address, phone number and, if the applicant represents a corporation, the name, address, and phone number of the registered agent of the corporation, or if the applicant represents an association, the name, address, and phone number of a high managerial agent of the association;
    - 2. Name of the owner of the property
    - 3. Local address where fence is proposed to be erected;
    - 4. Type of fence construction (material);
    - 5. Height of fence;

6. Diagram showing proposed location of the fence and listing relevant dimensions between the fence and other structures on the lot and the location of property lines and easements;
  7. The applicant's authorized signature; and
  8. Other documentation as required by the town administrator or his designee.
- (b) Height. Except for private sport courts, it is unlawful to erect, maintain, suffer or permit any fence to exceed six feet (6') in height.
- (c) No privacy fences or walls. It is unlawful to erect, maintain, suffer or permit any opaque or solid privacy fence or wall. Notwithstanding this prohibition, solid fences and walls are allowed on any lot that is less than two (2) acres in size.
- (d) Fence not to be located in public right-of-way, easements or set back areas. No fence shall be erected within, on, or across any public right-of-way, drainage easement, set back area, or vision or visibility triangle unless otherwise authorized in writing by the town administrator or his designee. Property owners that allow a fence to be constructed in a utility easement on their property do so at their own risk. Unless the terms of a specific easement state otherwise, fences constructed within utility easements may be removed by a utility company with rights to the easement and such utility company shall not be responsible for replacement of the fence or liable for damage to the fence that occurred during its removal.
- (e) Fence not to create a traffic hazard. It is unlawful to erect, maintain, suffer or permit any fence on any corner lot in such a manner as to create a traffic hazard or restrict visibility. Failure of the owner, agent or occupant to remove such obstruction within the specified time limit required on the receipt of town notice to do so is a violation of this article.
- (f) Maintenance of fences. All fences shall be maintained reasonably plumb and structurally sound. Each structural and decorative member of a fence shall be free of deterioration and be compatible in size, material and appearance with the remainder of the fence.
- i. A fence that has deteriorated to a condition that it is likely to fall shall be repaired or replaced.
  - ii. Fences shall not be externally braced in lieu of replacing or repairing posts, columns or other structural members.

- iii. After receiving notice from the town, the owner, agent or occupant of the property shall replace broken, damaged, removed or missing parts of a fence with the same material, or material with comparable composition, size, shape, color and quality of the original fence to which the repair is being made. The notice shall include a deadline by which the repairs are to be completed. The town administrator or his designee may, upon written notice from the owner, agent or occupant of the property that unusual circumstances prevent the timely repair of a fence, extend the replacement time as required, but shall not extend the replacement time longer than reasonably necessary.

**§ 3.10.004. Fences in residential areas.**

- (a) Allowed fence materials. Fences may be constructed of wood, pipe and cable, decorative metal, or wrought iron, and shall not be constructed of or include prohibited fence materials. Other materials traditionally used in private fence construction proven to be sturdy, durable, and relatively maintenance-free may be allowed only upon express written approval by the town administrator. All fence material colors shall be white, black, brown, natural, earthtone, or dark green.
- (b) Prohibited fence materials. Fences shall not be constructed using the following materials:
  - i. Chain link;
  - ii. Sheet, roll, or corrugated metal;
  - iii. Cast off, secondhand, or other items not originally intended to be used for constructing or maintaining a fence;
  - iv. Razor wire;
  - v. Slatted materials used to create increased opacity; or
  - vi. Above-ground electrical fencing, hog wire, chicken wire, barbed wire, except for containment of animals. Note: Underground “virtual fencing” is allowed.
- (c) Location. No residential fence shall be closer than fifteen feet (15') to a public street except in cases where the side or rear building line of the yards on continuous corner lots adjoin (*i.e.*, the side yard lot is not a key corner lot as defined in the town zoning ordinance), the fence may be constructed out to the property line of said side yard such that the street side yard may be included as part of the lot's back yard area.

- (d) Gates. Gates designed for vehicular access shall be set back from the property line a minimum of twenty-four feet (24’).
- (e) Swimming pools. Fences around swimming pools shall be constructed and maintained in conformance with this article and with the town code of ordinances.
- (f) Sight visibility. All fences and walls shall conform to the town’s standards for sight visibility.
- (g) Private sport courts. Fences designed to enclose private sport courts shall meet the following requirements:
  - i. The fence shall not exceed twelve feet (12’) in height when measured from the natural grade;
  - ii. The fence shall be either a dark or earthtone color with matching colored fittings and posts; and
  - iii. The fence shall not exceed fifty percent (50%) opacity, with the exception of wind screening materials. Stockade and wood fencing materials are prohibited.
- (h) Decorative fencing required by Chapter 18 of the town zoning ordinance shall meet the following minimum criteria:
  - i. The fence shall be an open fence constructed with openings between the materials used for construction whereby the openings represent a minimum of seventy-five percent (75%) of the total front surface of the fence. (See illustration below)

Front Face Surface

*Front Face Surface – Minimum 75% Open Space*



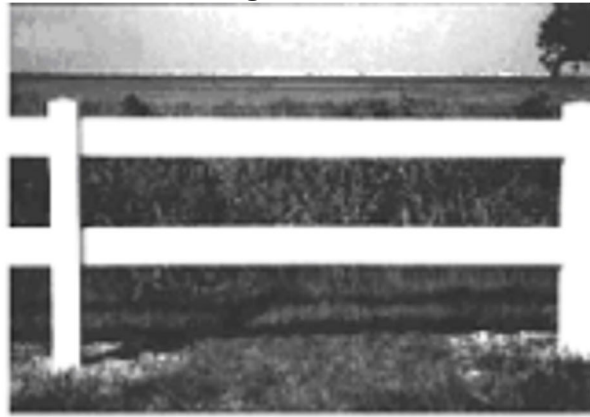


- ii. Decorative fences shall be designed so as to:
1. Contribute to the identification and beauty of the principal use;
  2. Serve as a landscape element and is not erected to satisfy any other provision of the town zoning ordinance;
  3. Not exceed thirty-six inches (36") in height as measured from the finished grade to the top of the fence;
  4. Is not located nearer than ten feet (10') to any property line adjacent to a public right-of-way; and
  5. Be of a split rail or post and rail fence design that is constructed of allowed fence materials as set forth in this article. (See illustrations below)

Examples of Acceptable Decorative Fence Designs



*Post and Rail Fence  
(Split Rail Design)*



*Post and Rail Fence  
(Board Fence Design)*

**§ 3.10.005. Fences in non-residential areas.**

- (a) In non-residential zoning districts, the term "screen" or "screening" requirements as used in the town zoning ordinance shall apply in the case of any conflict between such zoning ordinance provision and the provisions of this article.
- (b) In non-residential zoning districts, no fence or wall shall be erected in any front yard or side yard which is adjacent to a public street unless the fence or wall is required by the town's zoning ordinance to screen the development from an adjacent residential area (particularly if the residence has, or could have, a back yard fence that would be exposed to view from the street if the required screening wall were not extended out to the street right-of-way line), or if a decorative fence is used as a

landscaping element in the street yard as required by Chapter 18 of the town zoning ordinance. In such case, the screening fence or wall shall be extended out to the street right-of-way line by the developer of the non-residential development, and the fence or wall shall be finished on both sides in a manner and color that is compatible to the exterior finish materials used on the main buildings. Fences and walls shall be placed such that they do not impede visibility for vehicles entering or exiting the non-residential development in accordance with the sight visibility requirements in Chapter 25 of the town zoning ordinance.

- (c) Plans and specifications for fences around ground-mounted utility structures (*e.g.*, transformers, natural gas regulating stations, etc.) shall be approved in writing by the affected utility company, and shall be submitted, along with an approval letter from the utility company, to the town administrator with a fence permit application for review and approval prior to construction of said fence.

**§ 3.10.006. Nonconforming fences and walls.**

A lawful fence structure in existence on the effective date of the ordinance from which this article derived may be continued, although such fence structure does not conform to the provisions of this article; provided however, the right for said nonconforming fence structure to persist shall be subject to the following regulations:

- (a) Normal repairs and maintenance may be made to a nonconforming fence structure; provided those repairs do not exceed fifty percent (50%) of the total length of the fence.
- (b) Unless otherwise provided by law, a nonconforming fence shall not be added to or lengthened in any manner unless such additions are made to conform to the requirements of this article.
- (c) A nonconforming fence shall not be moved in whole or in part unless every portion of such fence is made to conform to the requirements of this article.
- (d) If a nonconforming fence is damaged, destroyed or in disrepair to an extent greater than fifty percent (50%) of the total length of the fence, such fence shall be replaced and must conform to the requirements of this article.

**§ 3.10.007. Variances.**

Appeals to the conditions of this article shall be heard by the town Board of Adjustment. The Board of Adjustment shall have the authority to authorize such variances from the terms of this article. In order to approve a variance, the Board of Adjustment shall determine that the requested variance meets three (3) of the following four (4) criteria:

- (a) The proposed fence or wall will not adversely impact the adjacent property (visibility, size and the like);
- (b) The proposed fence or wall is of a unique design or configuration or serves a unique function;
- (c) The variance is needed due to restricted area, shape, topography, physical features, or conditions that are unique to the property on which the proposed fence or wall would be constructed; or
- (d) The variance will substantially improve the health, safety, or welfare of the public and does not violate the spirit of this article.
- (e)

**§3.10.008. Offenses; penalties.**

- (a) Any person violating any of the provisions of this article shall be deemed guilty of a class C misdemeanor and, upon conviction, shall be fined, except as otherwise provided herein, in a sum not to exceed five hundred dollars (\$500.00) for each offense, and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.
- (b) If the town council determines that a violation of this article creates a threat to public safety, the town may bring suit in district court to enjoin the person, firm, partnership, corporation, or association from engaging in the prohibited activity. The town is not required to give bond as a condition to the issuance of injunctive relief.”

**SECTION 4.  
AMENDMENTS TO TOWN ZONING ORDINANCE**

From and after the effective date of this Ordinance, the Code of Ordinances of the Town of Bartonville, Texas, shall be and the same is hereby amended by amending Chapter 14, Exhibit “A,” the Zoning Ordinance, Chapters 3, 5, 6, 7, 8, 9, 11, 12, 13, 14A, 16 and 18, in Subsections

3.2.I.29; 5.4.G.6; 6.4.F.3; 6.4.F.6; 7.4.F.3; 8.4.G.3; 9.4.F.4; 11.4.E; 12.4.E; 13.4.E; 14A.4.I; 16.8.B.7.b; 18.5.F; and 18.6.J.2.c, which shall each read as follows:

**“§ 3.2.I.29:** A general arrangement of land uses, buildings and other structures, including but not limited to:”

\* \* \*

**“§ 5.4.G.6:** Fences shall conform to the requirements set forth in town code Chapter 3, article 3.10.”

\* \* \*

**“§ 6.4.F.3:** Fences shall conform to the requirements set forth in town code Chapter 3, article 3.10.”

\* \* \*

**“§ 6.4.F.6:** Fences shall conform to the requirements set forth in town code Chapter 3, article 3.10.”

\* \* \*

**“§ 7.4.F.3:** Fences shall conform to the requirements set forth in town code Chapter 3, article 3.10.”

\* \* \*

**“§ 8.4.G.3:** Fences shall conform to the requirements set forth in town code Chapter 3, article 3.10.”

\* \* \*

**“§ 9.4.F.4:** Fences shall conform to the requirements set forth in town code Chapter 3, article 3.10.”

\* \* \*

**“§ 11.4.E:** Screening Requirements – See town code Chapter 3, article 3.10.”

\* \* \*

**“§ 12.4.E:** Screening Requirements – See town code Chapter 3, article 3.10.”

\* \* \*

**“§ 13.4.E:** Screening Requirements – See town code Chapter 3, article 3.10.”

\* \* \*

**“§ 14A.4.I:** Screening Requirements – See town code Chapter 3, article 3.10.”

\* \* \*

**“§ 16.8.B.7.b:** Landscaping of yards and setback areas and proposed changes.”

\* \* \*

**“§ 18.5.F:** Decorative fencing required pursuant to this Chapter 18 shall meet the requirements of town code Chapter 3, article 3.10.”

\* \* \*

**“§ 18.6.J.2.c:** Perimeter landscaping shall include the installation of a Decorative Fence meeting the standards specified in town code Chapter 3, article 3.10.”

\* \* \*

**SECTION 5.  
AMENDMENTS TO VARIOUS TOWN CODE CHAPTERS**

From and after the effective date of this Ordinance, the Code of Ordinances of the Town of Bartonville, Texas, shall be and the same is hereby amended by amending Chapter 8, and Appendix A, in Subsections 8.03.67(a)(2)(C), and A4.004(9), respectively, which shall each read as follows:

**“§ 8.03.67(a)(2)(C):** Screened from ordinary public view by appropriate means, including a fence constructed in accordance with town code Chapter 3, article 3.10, or rapidly growing trees, or shrubbery.”

\* \* \*

**“§ A4.004(9):** Fence: \$75.00”

## **SECTION 6. SEVERABILITY**

It is hereby declared to be the intention of the Town Council of the Town of Bartonville, Texas, that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the Town Council without incorporation in this Ordinance of such unconstitutional phrases, clause, sentence, paragraph, or section.

## **SECTION 7. SAVINGS**

An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Zoning Ordinance and Town Code, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

## **SECTION 8. ENGROSS AND ENROLL**

The Town Secretary of the Town of Bartonville is hereby directed to engross and enroll this Ordinance by copying the exact Caption and the Effective Date clause in the minutes of the Town Council of the Town of Bartonville and by filing this Ordinance in the Ordinance records of the Town.

## **SECTION 9. PUBLICATION**

The Town Secretary of the Town of Bartonville is hereby directed to publish in the Official Newspaper of the Town of Bartonville the Caption and the Effective Date of this Ordinance for two (2) days.

## **SECTION 10. PENALTY**

Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the Town of Bartonville, Texas, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of five hundred dollars (\$500.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 11.  
NO VESTED RIGHTS**

No person or entity shall acquire any vested rights in this Ordinance or any specific regulations contained herein. This Ordinance and any regulations may be amended or repealed by the Town Council of the Town of Bartonville, Texas, in the manner provided by law.

**SECTION 12.  
EFFECTIVE DATE**

This Ordinance shall take effect immediately from and after its passage and the publication of its caption, as the law in such cases provide.

**AND IT IS SO ORDAINED.**

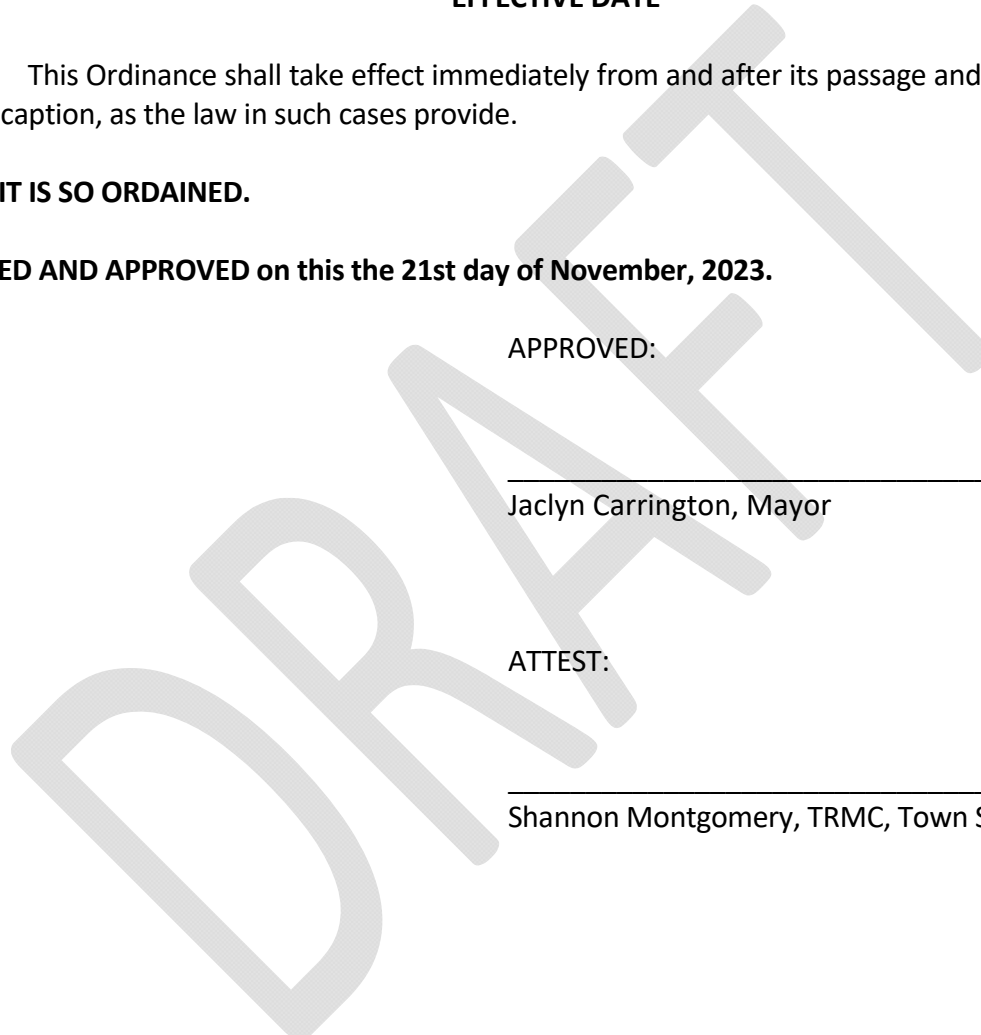
**PASSED AND APPROVED on this the 21st day of November, 2023.**

APPROVED:

\_\_\_\_\_  
Jaclyn Carrington, Mayor

ATTEST:

\_\_\_\_\_  
Shannon Montgomery, TRMC, Town Secretary



**Denton Record-Chronicle**  
3555 Duchess Drive  
(940) 387-7755

I, Stefan Edward Pla, of lawful age, being duly sworn upon oath depose and say that I am an agent of Column Software, PBC, duly appointed and authorized agent of the Publisher of Denton Record-Chronicle, a publication that is a "legal newspaper" as that phrase is defined for the city of Denton, for the County of Denton, in the state of Texas, that this affidavit is Page 1 of 1 with the full text of the sworn-to notice set forth on the pages that follow, and that the attachment hereto contains the correct copy of what was published in said legal newspaper in consecutive issues on the following dates:

**PUBLICATION DATES:**  
Oct. 14, 2023

**Notice ID:** vLGGaAdrGgOM0dPSOP2I  
**Notice Name:** PZ PH Notice for 10142023 publication

**PUBLICATION FEE:** \$67.04

I declare under penalty of perjury that the foregoing is true and correct.

*Stefan Pla*

Agent

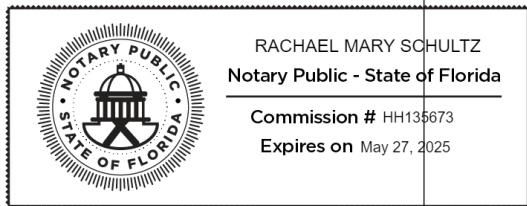
**VERIFICATION**

State of Florida  
County of Charlotte

Signed or attested before me on this: 10/16/2023

*Rachael Mary Schultz*

Notary Public  
Notarized online using audio-video communication



**TOWN OF BARTONVILLE  
PUBLIC NOTICE**

The Planning and Zoning Commission for the Town of Bartonville, Texas will conduct a Public Hearing at 7:00pm on November 1, 2023, at Bartonville Town Hall, 1941 E Jeter Road, Bartonville, Texas, to hear public comment and consider recommendations to the Town Council regarding:

- an Ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit "A," Article 14.02, Ordinance 361-05, Zoning Regulations for the Town of Bartonville, to change the zoning designation from Agriculture (A) to Residential Estates 5 (RE-5) on a 101.467-acre tract or parcel of land identified as A0230A COOK, TR 8, 60.0 ACRES, OLD DCAD TR #4; A1594A A.M. FELTUS, TR 3, 10.0 ACRES, OLD DCAD TR #1; A1594A A.M. FELTUS, TR 2, 30.0 ACRES, OLD DCAD TR #1A; and A1594A A.M. FELTUS, TR 1, 78.763 ACRES, OLD DCAD TR #2, in the Town of Bartonville, Denton County, Texas. The subject property is located on the north side of E Jeter Road, approximately 2,185 feet east of the intersection of E Jeter Road and Country Court in Bartonville, Texas. The property address is 799 E Jeter Road. The applicant is Mycoskie & Associates, Inc, representing Knight Development Group, LLC. The Town of Bartonville file number for this application is ZC-2023-003; and
- an Ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit "A", the Zoning Ordinance, by deleting Chapter 20, "Fencing, Walls and Screening Requirements," and by amending Chapter 3, "Building Regulations" by adding Article 3.10, "Fences and Walls"; amending other Zoning Ordinance and Town Code Provisions accordingly. All interested parties are encouraged to attend.

dic 10/14/2023